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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/569,580	02/28/2006	Takao Goto	126781	7621
25944 7590 09/02/2008 OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850				
EXAMINER				
CHEN, CHIA WEI A				
ART UNIT		PAPER NUMBER		
2622				
MAIL DATE		DELIVERY MODE		
09/02/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/569,580

Applicant(s)

GOTO ET AL.

Examiner

CHIA-WEI A. CHEN

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/5508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shibata (US 2001/0004269) in view of Matsumoto (US 2003/0228847).

Claim 1, Shibata teaches, in Figs. 1-5, a portable terminal, comprising:

- first rotation means (axis 31) that supports a lid and a main body pivotally (paragraphs 0202-0203);
- image taking means (lens 33 for a digital camera) whose optical axis has the same orientation as the rotation axis of the first rotation means (paragraphs 0203-0204);
- display means (monitor 21), provided on the lid, for displaying images taken by the image taking means (paragraph 0217);

- second rotation means (axis 32) that supports the lid pivotally with respect to the main body about an axis perpendicular to the axis of the first rotation means (paragraph 0203); and
- detection means (sensor 55) that measures the rotation angle of the first rotation means (paragraph 0243-0247);

but is silent regarding:

- display control means that rotates the image taken by the image taking means according to the rotation angle measured by the detection means and displays the image in the display means.

Mastumoto teaches a display control means that rotates the image taken by the image taking means according to the rotation angle measured by the detection means and displays the image in the display means (When the display section is rotated 180 degrees or more, the display section is automatically switched from the first display state to the second display state by the control section; paragraph 0042).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the display control of Matsumoto with the portable terminal of Shibata in order to improve the operability of the portable communication device for taking a picture by the camera. (See paragraph 0014 of Mastumoto.)

Claim 2, Shibata teaches, in Figs. 1-5, a portable terminal, comprising:

- first rotation means (axis 31) that supports a lid and a main body pivotally;

- image taking means (lens 33 for digital camera) whose optical axis has the same orientation as the rotation axis of the first rotation means (paragraph 0202-0203);
- display means, provided on the lid, for displaying images taken by the image taking means;
- second rotation means (axis 32) that supports the lid pivotally with respect to the main body about an axis perpendicular to the rotation axis of the first rotation means (paragraph 0203);

but is silent regarding:

- linking means that rotates the image taking means in response to the rotation of the lid and the main body via the first rotation means.

Mastumoto teaches linking means that rotates the image taking means in response to the rotation of the lid and the main body via a rotation means (paragraph 0042).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the control section of Matsumoto with the portable terminal of Shibata to rotate the image according to the state of the rotating means for the user to review the image captured. (See paragraph 0014.)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHIA-WEI A. CHEN whose telephone number is (571)270-1707. The examiner can normally be reached on Monday - Friday, 7:30 - 17:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chia-Wei A Chen/
Examiner, Art Unit 2622
08/21/2008

*/Ngoc-Yen T. VU/
Supervisory Patent Examiner, Art Unit 2622*